

REMARKS

Claims 1 - 15 remain active in this application. Claims 1 and 6 are currently amended to emphasize novel aspects of the present invention. Support for the amendments of the claims is found throughout the application, particularly in Figures 1 and 2 and the description thereof, particularly on page 11, lines 10 - 30. No new matter has been introduced into the application.

Claims 1 - 4, 6 - 8 and 15 have been rejected under 35 U.S.C. §103 as being unpatentable over Meier in view of Flach et al. Claim 5 has been rejected under 35 U.S.C. §103 as being unpatentable over the combination of Meier and Flach et al. in view of Welles, II, et al. Claims 9 - 10 and 13 - 14 have been rejected under 35 U.S.C. §103 as being unpatentable over the combination of Meier and Flach et al. in view of Stewart. Claim 11 has been rejected under 35 U.S.C. §103 as being unpatentable over the combination of Meier, Flach et al. and Stewart in view of Ralieggh et al. Claim 12 has been rejected under 35 U.S.C. §103 as being unpatentable over the combination of Meier, Flach et al. and Stewart in view of Gamlyn et al. All of these grounds of rejection are respectfully traversed for the reasons of record and the further remarks provided below, and particularly as being moot in view of the amendments made above.

It is, once again, respectfully submitted that the Examiner has not yet addressed the *concept* of the invention much less the explicit recitations of the claims. Claims 1 - 5 are directed to a transponder including "means, responsive to said receiving of said interrogation signal, for transmitting a signal in accordance with a wireless network protocol that can be

received by an access point of said standard data network and interpreted by an access point of said standard data network as identification information" (emphasis added) and claims 6 - 15 are directed to an asset tracking system including a similarly defined transponder capable of "transmitting identification information corresponding to said transponder *in accordance with a wireless network protocol* in response to an interrogation signal" (emphasis added). This distinctive feature of the invention of transmitting the transponder response *in accordance with a wireless network protocol* supports the meritorious function, *within the existing wireless network infrastructure* of developing wireless access point/wireless device associations which can be used for asset tracking and location (and device status) reporting.

As previously pointed out, Meier provides a combination wired and wireless network which supports roaming of the wireless devices but uses an arrangement much different from that of the present invention as claimed. While the abstract of Meier indicates that wireless terminals communicate with wireless access points using a wireless communication protocol and that wireless communication protocols are inconsistent with wired communication protocols, the abstract also indicates that each wireless terminal also has a wired network address corresponding to one of the wireless access points. During roaming, as indicated in the abstract of Meier, "protocol tunnels route communications between wireless terminals, thereby preserving communications while roaming *by allowing the wireless terminals to retain their wired network addresses during the ongoing communications*" (emphasis added). More specifically, in the paragraph bridging columns 1 and 2

(Summary of the Invention), Meier explicitly states that "[w]ireless terminals communicate with the w]ireless access points *according to the wired network protocol, inconsistent with the wireless network protocol*. Each of the wired terminals has a wired network address corresponding to one of the wireless access points. As the wireless terminals roam throughout the premises, protocol tunnels route communications between wireless terminals via the wired network, thereby preserving communications while roaming by allowing the wireless terminals to retain their wired network addresses during the ongoing communications. Such *protocol tunnels are transparent to the wired network*." (emphasis added). This transparency to the wired network is also noted, for example in column 3, lines 20 - 45.

Thus, it is respectfully submitted that Meier provides communication with wireless terminals using a wireless network protocol while the wireless terminal is communicating with a particular access point but, *while roaming, communicates with access points using a wired network protocol to maintain its wired network address* such that communications may be directed from an access point normally associated with a given wireless device to another wireless access point (or, possibly, to the wireless terminal directly) through a separate system of protocol tunnels.

Moreover, and more importantly in regard to the claimed subject matter and *concept* of the invention, the actual location of the wireless terminal and the wireless access point through which it may be communicating while roaming *is transparent to the network* and thus Meier *avoids* developing wireless access point/wireless device associations or data defining them in the network infrastructure and thus the *network is, by*

design, necessarily incapable of reporting the location of wireless devices, to which the invention is directed. Thus Meier not only fails to answer the recitations of the claims but teaches directly away from the claimed subject matter and the production of the meritorious function of the invention and any modification to answer explicit claim recitations such as responding to an interrogation signal with a signal in accordance with a wireless network protocol would preclude the function of Meier in the intended manner and would thus be improper under the precedent of *In re Gordon* 221 USPQ 1125 (Fed. Circ., 1984). Moreover, in regard to the claimed subject matter, there is no indication that the wireless devices of Meier operate as transponders or respond to an interrogation signal to respond with a signal that can be interpreted as interrogation information in order to determine locations of wireless devices much less responding with signals in accordance with a wireless network protocol. Further, while the protocol tunnels of Meier may be implemented over the network, they are necessarily not a part of the standard network infrastructure and, more importantly, must *function* as a separate system in order to maintain transparency of wireless device location to the network.

This *fundamental* deficiency of Meier, from which the claimed subject matter is clearly distinguished, is not mitigated by Flach et al. As previously pointed out, Flach et al. uses a separate system of devices (referred to a VCELLs) which function much in the nature of (but which are necessarily not) wireless access points of a network (since they are provided in addition thereto) and which use a TDMA protocol rather than a wireless network protocol for communication with data collection devices. Therefore, as pointed out in the response filed September

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12, 2005, which is hereby fully incorporated by reference, Flach et al. also fails to provide teachings which answer explicit recitations of the claims (and which would not be properly suggested as modifications of Meier as noted above) but also teaches away from the present invention as defined in the claims. It is also clear that the other secondary references (Welles, II, et al., Stewart, Gamlyn et al. and Ralieggh et al.) do not and cannot mitigate these basic deficiencies of Meier and Flach et al., particularly since Meier and Flach et al. both teach away from the claimed invention as discussed in detail in the response filed September 12, 2005.

Accordingly, it is respectfully submitted that the current grounds of rejection are all clearly in error and do not answer the explicit recitations of the claims as currently rejected. Further, for the reasons discussed above, it is clear that the references relied upon by the Examiner do not and cannot support a *prima facie* demonstration of obviousness of any claim in the application, particularly since they do not, in any combination, lead to an expectation of success in leveraging wireless network infrastructure to provide asset location reporting by the simple expedient of providing a transponder function in combination with a response to interrogation being in accordance with wireless network protocol. It is respectfully submitted that the grounds of rejection of record are even more clearly untenable in view of the amendments to independent claims 1 and 6, above, which provide for wireless access point/wireless device associations which is clearly inconsistent with and contrary to both Meier and Flach et al.; application of which, in combination, is common to all grounds of rejection of record. Accordingly, reconsideration and withdrawal of the

grounds of rejection of record are respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

A petition for a one-month extension of time has been made above. If any further extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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